

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,  
vs.

Case No. 3:15-po-333

EDWARD NOVAK,

Defendant.

Magistrate Judge Michael J. Newman

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**ORDER: (1) REFERRING DEFENDANT FOR AN EVALUATION TO DETERMINE HIS MENTAL COMPETENCY AT THE TIME OF THE OFFENSE; (2) REFERRING DEFENDANT TO DR. MASSIMO DEMARCHIS, PSY.D. FOR SUCH EVALUATION; (3) DIRECTING DEFENSE COUNSEL TO MAKE ARRANGEMENTS WITH DR. DEMARCHIS FOR THE EVALUATION; AND (4) DIRECTING THAT PAYMENT FOR SUCH EVALUATION BE MADE BY THE DEPARTMENT OF JUSTICE**

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This petty offense case is before the Court on Defendant's filing of a notice of an intention to rely on the insanity defense at trial, *i.e.*, that he was not mentally competent at the time of the alleged offense. The Court held a status conference in Court on October 19, 2016. Julianne McCammon, Esq. appeared on behalf of the government and Cheryl Bennett, Esq. appeared on behalf of Defendant. Defendant was also present for the conference.

Based upon representations of counsel for Defendant, the Court finds reasonable cause to believe that Defendant may suffer from a mental disease or defect that rendered him mentally incompetent at the time of the offense. Accordingly, the Court **GRANTS** the government's motion and **ORDERS**, pursuant to 18 U.S.C. §§ 4242, 4247(b) and (c), that Defendant be evaluated by Dr. Massimo DeMarchis, Psy.D. Such evaluation shall be paid for by the Department of Justice.

The Court will contact Dr. DeMarchis and request that he contact defense counsel. Thereafter, the Court **ORDERS** that defense counsel make arrangements directly with Dr. DeMarchis for the evaluation and assist in assuring Defendant's cooperation with the examination. The Clerk shall promptly transmit to Dr. DeMarchis all bond reports, if any, and a complete copy of the pleadings in this case not filed under seal. Defense counsel may provide further materials to Dr. DeMarchis for his review (such as Defendant's past medical records), and copies of any such materials shall be provided to the government. Dr. DeMarchis's report of the examination shall promptly be submitted to the Court.

**IT IS SO ORDERED.**

Date: October 19, 2016

s/Michael J. Newman  
Michael J. Newman  
United States Magistrate Judge